State of California."

The bill proposes to enact that all the laws of the United States which are not locally inapplicable shall have the same force and effect within the State of California as elsewhere within the United States; the State to be divided by the 37th parallel of north latitude into two districts, to be called the northern and southern districts of California, in each of which, a district judge shall reside for the purpose of trying all issues of fact triable by a jury. The several sections of the bill prescribe the times and places at which courts shall be held, the compensation of judges, district attorney, marshal, &c.

To the seventh section the Committee on the Judiciary had reported an amendment, which was the first question for consideration.

The section stands as follows:

Sec. 7. And be it further enacted. That there shall be allowed to each of the judges aforesaid an annual compensation of — dollars, to commence from the date of his appoint-

The committee propose that it shall read thus:

"That there shall be allowed to the judge of the northern district as aforesaid an annual compensation of \$5,500 and to the judge of the southern district an annual compensation of \$4,000, to commence from the day of the appointments, respectively."

Mr. GWIN. Mr. President, I wish to move an ame Mr. GWIN. Mr. President, I wish to move an amendment to the amendment reported by the committee, in relation to the compensation of the judge for the northern district
of California. I am perfectly confident that the duties the
judge of that district will be called upon to perform will be
more arduous than that of any judge of any court in the Union.
The business that will be transacted in that court, from its
commencement, will be of the heaviest character. Cases involving millions of dollars will be brought before the judge,
and I am perfectly confident that the compensation proposed
is too low. I wish some plan could be constitutionally devised
to make the salary of this judge great at first, and to be reduced to make the salary of this judge great at first, and to be reduced hereafter. I should certainly feel it my duty to move to make the salary \$10,000, if it were not that the salary could not be diminished during the life of the judge, when circumstances might be such as to make that amount too high. I certainly shall move to make it \$6,000. We cannot expect to get a competent person for less than that. I move to strike out the amendment of the committee \$5,500, as the salary of the judge of the northern district, and insert \$6,000.

judge of the northern district, and insert \$6,000.

Mr. DAYTON. We are about to establish judicial districts, and to appoint judges for California—one for the northern, and one for the southern district. It is proposed by the Judiciary Committee that the salary of the judge of the northern district, in which is the city of San Francisco, shall be \$5,500; and the salary of the judge of the southern district, \$4,000. The amendment proposed by the Senator from California is to make the salary of the judge of the northern district \$6,000, instead of \$5,500. The committee supposed that \$5,000 would be a sufficient salary for this judge. But after consultation with the Senators from California, they finally concluded to make it \$5,500. We are entirely aware that, according to the condition of things in California at the present concluded to make it \$5,500. We are entirely aware that, according to the condition of things in California at the present time, that may be considered an insufficient salary; but in fixing the salary of a district judge of California now, you should recollect that you are fixing it for his life. It cannot be diminished during his life. However this salary may be insufficient for three or four years, it must be supposed that, in the course of a few years, the condition of things in California. fornia will approximate somewhat to the condition of things in other parts of the country.

What is the condition of things elsewhere? The district

judge of the southern district of New York receives the largest salary of any district judge in the United States; and he receives \$3,500. The salary of the district judge at New Orleans is \$3,000. True, he gets some little compensation temporarily for other matters. A few of the other district judges receive \$2,500; but generally not more than \$2,000. And yet we fix the salary of the judge of the northern district of California at \$5,500. The salary of the judges of the Supreme Court of the United States is only \$4,500. The supreme Court of the United States is only \$4,500. The salary of the chief justice of the United States is only \$5,000. It seems to me that a salary of \$5,500 for a district judge in California, when it is considered that under the constitution it cannot be diminished during his life, if not sufficient at the present time, must be amply sufficient in future. I therefore hope the amendment will not be adopted.

Mr. GWIN. Mr. President, I would not contend for this increase of salary if I was not perfectly convinced that a com-

increase of salary if I was not perfectly convinced that a competent man could not be obtained for the salary proposed by the committee. I have some evidence now before me on the subject. A gentleman of high standing, who has recently gone to California, states that an eminent member of the bar, who has emigrated to that country since I left home, now receives a retaining fee of \$2,500 per month from one house receives a retaining fee of \$2,500 per month from one house alone. Do you suppose any competent man will take this office, when he says he can make as much in a year by private practice, as he can receive during a lifetime in the office. If a judge goes there, and sees the prospect of making so much money by private practice, will he retain his office of judge? Why, the judges of the Supreme Court of the State of California receive \$10,000 a year. The three judges of the Supreme Court there, with an aggregate salary of \$30,000, will not have half as much business as this district judge. I know there are cases, amounting to millions of dollars, now waiting to be brought into this court. I notify the Senate that a competent man cannot be got to discharge the duties of district judge for the northern district for that

Mr. WHITCOMB. I think we are likely to lose sight of Mr. WHITCOMB. I think we are likely to lose sight of the obvious fact that the prices of living in California must continue to diminish with the onward progress of the settlement of that country. When gold was first discovered there, prices were enormously high. They were almost beyond the conception of romance. But the prices of many articles of necessity, of comfort, and of luxury are much lower now than they were then; and they are becoming still lower every successive month. In a short time, I am confident, prices will be as low as they are in the mineral regions of the old settled parts of South America, where they never gave such settled parts of South America, where they never gave such extravagant salaries.

Senator from New Jersey, are to be for life, I think we had

Mr. FREMONT. Mr. President, I wish to make a few remarks in reply to the honorable Senator from Indiana. I think we have no reason to believe that the condition of things will alter in California, as the Senator supposes. All the data that we have, every fact that has come to hand up to this time, goes to assure us that the condition of things will not alter, except so far as to make gold more abundant in California, and therefore to make gold more abundant in California. nia, and therefore to make commodities higher, and to make the price of labor higher. In common with other Senators, we have had a great deal of difficulty in forming any opinion on this matter, and I desire to submit to the consideration of the Senate a few of the facts upon which I have been endeavoring diggings, as at present worked, for the continued prosperity to which they gave birth, and which they have so far sus ained For its permanence we look to the mines, the development of which is only just now begun.

The few statements I am about to make, go to prove conclusively, as far as they go, the extraordinary and inexhausti-

ble richness of this great basis of our commercial prosperity.

As these statements are made with a view to influence the ac-As these statements are those salaries, it is proper to say that I make them upon my own responsibility for their correctness. make them upon my own responsibility for their correctness.

And, in my remarks to show the mineral wealth, and the extent of this mineral wealth in Cal.fornia, I refer only to that part of the gold-producing region where the gold bearing quartz has already been discovered, of nearly uniform richness.—from the 40th to the 35th degree of latitude—upon the waters of Feather river, the American and Mokelumne river, the Mariposas, and the desert country upon the southeastern borders of California, east of the Sierra Nevada. In all these localities, on a range of three hundred and fitty miles, we already know it to exist, and the strongest analogy would carry it through the remaining distance, but we speak only of facts. I have here a letter from the head of a party which examined the last mentioned locality. They travelled in a direction I have here a letter from the head of a party which examined the last mentioned locality. They travelled in a direction north of east from Los Angeles, and were six days in reaching the place. They had set out badly provided with implements, and in three days their "rule tools were completely destroyed in breaking, drilling, and the blasting of the immense rocks, after which "We made very slow progress, and returned after the first projudice by the legislation of Congress. It would operate by making them ports of entry.

They had set out badly provided with implements, and in three days their "rule tools were completely destroyed in breaking, drilling, and the blasting of the immense rocks, after which "We made very slow progress, and returned after projudice by the legislation of Congress. It would operate by making them ports of entry.

I hold in my hand the twentieth report of this company—and twenty years, I suppose, is the natural life of a judge. Their work has gone on, and become greater every year. This report is up to the 1st of March of the present year. The report states that, during the year ending March 1st last, they crushed and extracted the gold from 69,000 tons of ore. Applying this to the average yield of the mines in California, what would have been the result from the operations of that company in California? The result would be over one hundred and seventy millions of dollars.

What is \$6,000 for a judge in that country? These are positive data, as far as they go. These are facts. And in this condition of affairs in California, certainly \$6,000 is not a high salary for a judge. I will move, then, to make the salary \$6,000 for the judge of each district.

The PRESIDING OFFICER (Mr. Bell.) That cannot be done until the amendment of the other Senator from

not be done until the amendment of the other Senator from California (Mr. Gwis) is disposed of.

California (Mr. Gwis) is disposed of.

Mr. EWING. In corroboration of the views suggested by the Senator from California, (Mr. Fremont,) I will state one fact within my knowledge as to the value of the gold deposite in California. A young friend sent me about one hundred pounds of the earth, as it was dug out of one of the placers—the "dry diggings," I think. He stood by and saw it shovelled out. He also sent me some specimens of quartz. He stated in a letter that while seeing the hundred pounds of earth dug out, a friend, with his knife, cut out some specimens of gold from an adjacent rock, which he also sent me—amcunting in value to about one dollar and fifty cents. I sent a few pounds of this earth, in which I could see no gold, to the mint. The director reported to me that it yielded at the rate of about ten dollars and fifty cents to the hundred pounds by washing, and that it required no other. hundred pounds by washing, and that it required no other process to procure the gold. I kept the remainder of this earth until the young gentleman returned. He took it, washed it, and got out of it a little over ten dollars worth of gold, corresponding very exactly with the estimate made by the Director of the Mint. Whether this is generally so or not, I do not know. The young gentleman was going on through the country, and came to this placer, and concluded that it would be a specimen, and sent some of it to me. I do not suppose it was particularly selected. No doubt many others

The amendment to the amendment was rejected.

Mr. SEBASTIAN. I move to amend the amendment was rejected. the committee by striking out "\$5,500" and inserting "6,000 for the first year, \$4,000 for the next year, and

sation which the judges are to receive. The fact has been adverted to in the discussion of this amendment, that the circumstances under which this extraordinarily large salary is to be paid to a judge of the district court in California, are be paid to a judge of the district court in California, are transient and temporary in their character. And we must not lose sight of the fact that, according to the Constitution of the United States, it is incompetent for Congress to reduce the salary after the acceptance of the office by the judge. And the only time left for us to make provision for reducing the salary is now in organizing the courts, in making the terms, conditions, and provisons upon which the judge accepts his office. When he enters upon it, our hands are tied, and we cannot reduce the compensation provided by law, notwithstanding that the state of things upon which the provision was predicated originally, had entirely passed away.

If any difficulty should arise out of this reduction, it is a very easy matter to increase the salary of the judge, while it

very easy matter to increase the salary of the judge, while it would be impossible to diminish it, because that would be in contravention of the constitution. I repeat, that this is the only opportunity which will be afforded to Congress to reduce the compensation of the judge, no matter what may be the alteration of the State of things in the country. I submit, the alteration of the State of things in the country. I submit, therefore, this amendment, providing an arbitrary rule. I think it will probably attain a reduction commensurate with the gradual fall in the general prices of living in that country. If the provision should, in practice, reduce the compensation of the judge too fast, we can provide for the increase of his compensation hereafter, while we cannot provide for the reduction of it.

Mr. BADGER. I really think that the honorable Senator from Arbareas has not well considered.

tor from Arkansas has not well considered the bearing of his

It seems to me that the amendment proposes that Congress shall establish courts and fix the salaries of judges, and reserve the right to reduce the salaries afterwards. It is very obvious Senator from New Jersey, are to be for life, I think we had better commence with lower salaries even than those reported by the committee. We could then raise them hereafter according to the exigencies of the service.

Mr. President, I wish to make a few afterwards. And if you could do it with regard to one judge, you could do it with regard to all others. The purpose of the constitution was that the salary of the judge should be permanent; that it should not be subject to fluctuation to his injury; not merely upon the ground that it would be a viola-tion of some supposed understanding or contract, but upon the ground that the interests of the country require it. The great purpose for which the independent tenure of office was established requires that a judge's salary should not be liable to fluctuation.

This is the first time since the formation of the consti that it has been proposed to establish a sliding scale for a judge's salary, by virtue of which, although the constitution says it shall not be diminished during his continuance in office, it shall regularly, year by year, become less than it was when the court was established and the judge was appointed. It seems to me that we had better pay \$6,000 a year for twenty years—assuming that to be the term of judicial life, as suggested by the Senator from California, (Mr. FREMONT,) gested by the Senator Folk Camorina, (Art. Parkonn,) though I think it would generally average thirty years—or even for thirty years, than save a few thousand dollars a year by a provision which looks as if it were intended to evade the

onstitutional provision.

Mr. BUTLER. I have no wish at all to interfere he Senator from New Jersey, (Mr. DATTON,) who has charge of this bill. I have no doubt that he will explain fully the views of the committee. I concur in the main, however, in the views of the Senator from North Carolina. Upon conin the views of the Senator from North Carolina. Upon consultation, I am satisfied that you cannot have a sliding scale of salaries, either by contract beforehand, or by any other arrangement. The constitution contemplated that you should give a salary, and that the person accepting the office should do it with a perfect assurance that the salary should not be diminished. The practical operation of the amendment of the Senator from Arkansas (Mr. Skrastian) will be this:

were of this work were sent to this country. "The pieces more routes," be extended to the Territories of Unh and New Mexico; and that the Postmaster General be authorized to associate the seatest of postage in the suffered control of the precision merital." The since is increasurable there exist the postage in the suffered control of the precision merital. "The since is increasurable there exist the postage in the suffered control of the precision merital." The since is increasurable there exist the postage in the postage of the Government, as a means of smooturg-time, and the process of postage in the sufficient of the postage of the sufficient of the postage of the control of the precision merital. "The since is increasurable the precision of the precision precision the grant postage of the postage of the postage of the control of the precision of the precisi

"The more we operate, the more are we convinced that the whole country is rich almost beyond comprehension.

"We made an assay of the ore of the Mariposa mines, now being worked by Messer. Palmer, Cook & Co., with a Chilan and Bogardus sail, and we find the average yield from weathing to be forty cents per pound avoirdupois; and afterwarts from the fine process, to produce eighty cents to the pound additional; making \$1.20 per pound the average yield from the operations of a company now engaged there. Other assays we have made exhibit results, from ores from various sections of the country, ranging from twenty cents to five dollars per pound, and that, too, in specimens where no gold is visible to the naked eye. Even rocks taken within two miles of San Francisco, we find to yield gold to the amount of ten cents per pound.

"You will perceive the Mariposa yields at the rate of \$2,500 per ton."

Now, sir, wherever we can make any calculation based upon data, so far as it goes, it is better than mere supposition. Senstors suppose that the condition of things will alter in California, and that the gold will give out. The information which we have received, and which is applicable to the whole extent of the gold-producing quartz there—for the average yield in other parts of the country seems to be the working of an English mining company, the St. John de Rey Mining Company, now engaged in Brazil, and to see what would be the result in California. To this ascertained yield of the rock I wish to apply—for the period of one year—the working of an English mining company, the St. John de Rey Mining Company, now engaged in Brazil, and to see what would be the result in California from the operations in California.

I hold in my hand the twentieth report of this company—and twenty years, I suppose, is the natural life of a judge.

Their work has gone on, and become greater every year.

term of years? Mr. GWIN. For ix years.

Mr. GWIN. For px years.
Mr. FOOTE. Ah! that makes a difference.
Mr. GWIN. When these salaries were fixed by the Legislature there was not; dollar in the State treasury, and they had to levy a tax to pay the salaries of the judges, and yet there was not a word of complaint. That shows how necessary it is to pay these high salaries in order to get competent

men.

Mr. FOOTE. I wish to propound another question to my friend. Is there any hing in the constitution to prevent the increase or diminution of the salaries of judicial offices?

Mr. GWIN. There is, and there is also a provision that one who accepts the effice shall not hold any other office till his term expires.

Mr. FOOTE. I wish to mention one fact which is worthy of consideration.

of consideration. I an assured by my friend, Gen. Green, who has lately arrived rom California, that in consequence of the coming into the cuntry of a large number of Chinese, who keep restaurants in San Francisco, the price of board in that city, at one time \$14 a day, is reduced to \$2.50, showing that the reduction which the Senator from New Jersey spoke

Mr. WHITCOMB moved to strike out "\$5,500" and insert "\$4,000" in lieu thereof is the salary for the judge, and asked for the yeas and nays on his amendment. The yeas and nays being ordered, were taken and resulted

as follows:

YEAS—Mesars. Chase, Davis, of Mississippi, Dawson
Dodge, of Wisconsin, Dodge, of Iowa, Mason, Sebastian
Turney, and Whitcomb—9.

NAYS—Mesars. Atchison, Badger, Bell, Benton, Berrien
Clarke, Davis, of Massachusetts, Bayton, Dickinson, Downs
Ewing, Foote, Fremont, Greene, Gwin, Hamlin, Heuston
King, Mangum, Norris, Pratt, Rusk, Seward, Shields, Smith
Soule, Spruance, Sturgeon, Underwood, Wales, Walker, an

The bill was then ordered to be engrossed for a third reading, and was subsequently read a third time, and passed. COLLEATION DISTRICTS IN CALIFORNIA.

California Mr. SOULE. The Committee on Commerce, on a further consideration of the matters embraced in the bill now be-

fore the Senate, have agreed to, and directed me to report a The substitute was read, and the question was stated to be upon the amendment.

Mr. DAVIS, of Massachusetts. I do not know that I quite

Mr. DAVIS, of Massachusetts. I do not know that I quite understand the amendment, and I desire the Senator to state how many ports of entry there are provided?

Mr. SOULE. Six ports of entry are proposed to be established in California with the ports of delivery besides. The ports of entry are San Diego, Monterey, San Francisco, Benicia, or the straits of Karquinas, Sacremento City, and the city of Stockton, on the San Joaquin. There is every probability that before many years shall have elapsed, some two or three of these ports will have to be given up, but the present exigencies of the country most certainly require that we two or three of these ports will have to be given up, put the present exigencies of the country most certainly require that we should allow California what the bill proposes to give her. Then there are two ports of delivery in the district of San Diego—the ports of San Pedro and Santa Barbara. As ships going up to those two ports will have to pass generally by the port of San Diego, they have been made ports of delivered the sand past of any sand past of s

very merely, and not of entry.

Mr. DAVIS, of Massachusetts. If I understand the state-Mr. DAVIS, of Massachusetts. If I understand the statement, it is proposed to create four ports of entry upon the waters of the bay of San Francisco, viz: one at San Francisco, one at Benicia, and one up each of the rivers which there disembogue. I am ready to vote for that number of ports if I can see any necessity for them; but it seems to me rather extraordinary, when we consider the expense incident to the creation of so many ports of entry, and the heavy salaries to be given to officers there, that there should be established on this have and the interior that there should be established on tor from Arkansas has not well considered the bearing of his amendment upon the constitutional provision. It seems to me that it is manifestly in violation of that provision, or at least an evasion of it, by a pre-arrangement of the salary. The constitution of the United States dees not provide that a judge's salary shall not be diminished by any act passed from after the date of his acceptance of the office. But the constitutional provision is, that the salary of the judge shall not be diminished during his continuance in office, whether it is by a law providing for the diminution before the office is created, or a law passed after the office is in existence. The meaning of the constitution is that the salary of the judge shall not be diminished while he holds his office.

It seems to me that the amendment proposes that Congress. security of the revenue if we establish a port of entry at San Francisco, and one at Benicia, if it be necessary there. But the bill not only does that, but proposes to establish a port of entry further up the Sacramento river at Sacramento city, and another on the right hand, up the San Josquin, at a place called Stockton. Now, I should be glad if the Senator who reports this bill, would show that there is some reason existing in the commercial transactions of that part of the country rendering it necessary to open all these places to foreign commerce. It is to be borne in mind that American vessels can go up to any of those places now. The purpose of making ports of entry is to open them to foreign commerce, and why we should open the number of four ports on these waters, and establish four separate collection districts there, is what I cannot understand. I must be shown that the necessity for it exists before I can be prepared to vote for the incurring of this additional, and as, in the absence of any explanation, it seems to me, unnecessary expense.

Mr. GWIN. Inasmuch as I have recommended, and am very anxious that ports of entry should be established at Sa-cramento and Stockton, I will state to the Senate the reasons cramento and Stockton, I will state to the Senate the reasons which influence me to press this measure. It is necessary, sir, to relieve the citizens of the interior of California from the enormous expense that will attend the transhipment of goods at San Francisco, or any intermediate port. A great commerce has sprung up in California, as it were, in a moment; and in a new country, as it is, there are few or none of those facilities which are afforded to the pursuits of commerce in facilities which are afforded to the pursuits of commerce in older communities, and, consequently, the expense of transhipping good from San Francisco to Sacramento city and Stockton is often greater than the original cost of the goods themselves. The argument, therefore, in favor of making these ports of entry is for the very purpose of encouraging foreign commerce there. More than one-half of the population of California now trade at Sacramento and Stockton, and reasons of 500 toos burden here here the

vessels of 500 tons burden have been up to those points.

Sir, we have a direct intercourse with China and the Sandwich Islands, and all the Pacific coast of South America; and wich islands, and all the Pacific coast of South America; and the commerce between those countries and Sacramento and Stockton will become very great and important if ports of entry are established, as contemplated by this bill. I had a paper here which exhibited the commerce of Sacramento city, now only some eighteen months in existence, with a population of some twenty thousand inhabitants, its front lined with shipping for over a mile, and among them ressels of 500 tons burden. den. And vessels of the same size can also go direct to Stock-

Stockton be made ports of delivery instead of ports of entry, with a surveyor for each.

The question was then taken on the amendment, and it was adopted, as follows:
YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Bright. Clarke, Clay, Davis, of Massachusetts, Davis, of Mississippi. Dawson, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Downs, Felch, Hunter, King, Pratt, Sebastian, Seward. Spruance, Sturgeon, Turney, Underwood, Walker, Winthrop, and Yulee—28.

NAYS—Messrs. Atchison, Benton, Chase, Douglas, Ewing, Foots, Fremont, Gwin, Hale, Hamlin, Houston, Jones, Mangum, Norris, Pearce, Smith, Soule, and Wales—18.

Mr. GWIN. This amendment having been adopted, 1

gum, Norris, Pearce, Smith, Soule, and Wales—18.

Mr. GWIN. This amendment having been adopted, L. I feel constrained to move that Benicia be also made a port of delivery instead of a port of entry. There is not one-tenth part the business done at Benicia that there is at the other two places, and it will confer no advantage to the country to make it a port of entry. Had the other places been retained, I should not object to it; but to its retention at the price of their exclusion I do most decidedly object. I therefore move to make Benicia a port of delivery instead of a port of entry.

Mr. FREMONT. I shall vote against the establishment of a port of entry at Benicia, and I wish to give my reasons for that vote. I consider that all the reasons which operate in favor of making Benicia a port of entry are ten times as strong in favor of Sacramento and Stockton. I believe that

in tayor of making Benicia a port of entry are ten times as strong in favor of Sacramento and Stockton. I believe that the interests of the whole of the interior of the country re-quire that there should be ports of entry at Sacramento and Stockton. As the Senate has refused to make those places

Stockton. As the Senate has refused to make those places ports of entry, I shall vote against making Benicia one.

Mr. GWIN. There have been upwards of twelve hundred ships entered at the port of San Francisco during the last twelve months; and of that number only two have been injured. The bay of San Francisco is the finest sheet of water on the face of the earth; and, although there are upwards of six hundred vessels lying in that bay now, there is ample room for the accommodation of a thousand more. There is no necessity, therefore, for a port of entry at Benicia. There are no people to trade there; the wants of the country do not require it. Ports of entry are wanted on the waters in the country above that place.

Much has been said about the difficulty of approach to San Francisco. But let me say that all these statements which

Francisco. But let me say that all these statements which have been made in regard to the difficulty of navigating the waters there cannot be sustained; and with regard to its being waters there cannot be sustained; and with regard to its being so much out of the way, there are gentlemen present who have navigated that bay, and who know that, as the distance is on the map, it looks like eight or ten miles, but the actual distance is not more than five or six; and I have never heard of a solitary merchant vessel going through Raccoon Straits t

Benicia.

I am asked why, being in favor of the establishment of six ports of entry in the State of California, of which Benicia was proposed to be one, and two of those being now rejected, I am against Benicia now? I candidly confess that I did agree to have Benicia a port of entry; but my object in agreeagree to have Benicia a port of entry; but my object in agreeing to it was not from any conviction of its necessity, but
merely that the success of the question on the other two
ports might not be endangered by any objections of mine to
this one. I am sure that Senaiors are widely mistaken if
they suppose that Sacramento and Stockton are not capable
of sustaining themselves as ports of entry.

Now, it is contended that the ports of entry at San Fran-

cisco and Benicia will answer all necessary purposes. Gentlemen seem to forget that at these places goods will first have to be warehoused, and then trans-shipped from there to the places named upon the rivers Sacramento and San Joa-quin, and thus a vast additional expense will be incurred in the trans-shipment of goods. Now, I contend that there is no necessity for this trans-shipment. The maps all show that there is sufficient depth of water to allow large vessels to go to Sacramento and Stockton. Captain Ringgold has stated to me that he can carry a ship-of-the-line through Suison bay, which is above Benicia. We want but little improvement in removing obstructions to make Sacramento one of the finest navigable rivers in the world. There are one of the finest navigable rivers in the world. There are no difficulties of any consequence to be overcome; and with a few slight improvements of that river, we could carry vessels of a thousand tons burden up to the city. I would not take up the time of the Senate if I did not deem it my imperative duty to the people of California to endeavor by all proper means to have these two ports established.

After a long debate the question on the adoption of the amendment was taken, as follows:

YEAS—Messrs. Atchison, Badger, Benton, Coeper, Davis, of Massachusetts, Dodge, of Iowa, Foote, Fremont, Gwin, Houston, Jones, King, Mangum, Norris, and Turney—15.

NAYS—Messrs. Baldwin, Barnwell, Bell, Berrien, Bright, Butler, Cass, Chase, Clarke, Davis, of Mississippi, Dawson,

Dayton, Dickinson, Dodge, of Wisconsin, Downs, Ewing Greene, Hale, Handin, Hunter, Mason, Seward, Shields Soule, Spruance, Underwood, Wales, Walker, Winthrop, and Yulee—30.

So the amendment was not agreed to.

Mr. SOULE. I now move to amend the bill by substituting the word "four" instead of "six," so as to conform to the amendment, which makes only four ports of entry.

The amendment, which makes only four ports of entry.

The amendment was agreed to.

Mr. GWIN. I move that the counties that were set apart for the districts of Sacramento and San Joaquin be included in the district of San Francisco.

Mr. DAVIS, of Massachusetts. What will be the effect of that amendment? If I understand it, it will be an anomaly in legislation to annex these counties to the district of San Francisco, when they belong to the district of Benicia. The PRESIDING OFFICER. That is a question for the

Mr. GWIN. The Senator from Massachusetts agreed the report of the Committee on Commerce, which was to put the San Joaquin district into the district of San Francisco.

Mr. DAVIS. I was not aware of it.
Mr. GWIN. I make this motion for the convenier the trade of these districts. It is a proposition of which I be-lieve the whole population of these districts are decidedly in

Mr. DAVIS. I should like to know what would be the application and effect of this amendment as regards the port of Benicia? The amendment which I proposed was designed to include all the country above Benicia and all the rivers and waters above it. If you wish to transfer them to San Francisco you can do so; but it certainly would be an anomaly in legislation when the very reason for creating a port of entry at Benicia is, that vessels may not be obliged to stop at San Francisco. As the matter now stands, a vessel bound for Stockton or Sacramento goes right to Benicia, and not to San Francisco at all.

Mr. GWIN. There is not a solitary vessel engaged between these ports and Benicia, where there are fifty vessels engaged between Sacramento and Stockton and San Francisco. There is no trade between Benicia and the ports I have some of the world have thought, that rivers were only made for canals. I think we adopt what Nature herself points out to us, by constructing reservoirs to supply a defi-Mr. DAVIS. I should like to know what would be the

San Francisco at all.

Mr. GWIN. There is not a solitary vessel engaged between these ports and Benicis, where there are fifty vessels engaged between Sacramento and Stockton and San Francisco. There is no trade between Benicis and the ports I have just named; the whole of the trade is between them and San

Mr. HALE. I desire to ask a question of the chairms of the Committee on Commerce, and that is, whether it is absolutely necessary that a port of entry should be a port of

Mr. GWIN. Is it necessary that a port of entry should be attached to some district?

Mr. HAMLIN. Certainly, it is necessary that a port of ntry should be attached to some district; but I suppose it i immaterial, so far as the revenue is concerned, to what district this territory is attached. That which is most convenient is the one to which it should be attached.

The question was then taken on the amendment, and was rejected.

Mr. SOULE. I now move that such of the bays, rivers, and territory as were included in both the districts of San Jo aguin and Sacramento be made a part of the district of So The yeas and nays being ordered and taken, resulted

follows : Yeas 28, pays 12. So the amendment was adopted.

Mr. DAVIS, of Massachusette. It move another amendment, which is—
"That Sacramento City and the city of Stockton shall be and the same are hereby constituted ports of delivery within the district of Sunoma, with a surveyor and such other officer as the Secretary of the Treasury may deem necessary for the public business."

The amendment was agreed to.

The amendment was agreed to.

Mr. SOULE. The next amendment is-"That the principal appraisers shall each be allowed an an al compensation not exceeding six thousand dollars." nual compensation not exceeding six thousand dollars."

The amendment was agreed to.

Mr. SOULE. There is one other amendment with regard to filling up the blanks, which is—

"That the assistant appraisers shall each be allowed an a mual compensation not exceeding five thousand dollars." Mr. DAYTON. I desire to ask the chairman of the Cor

musistant appraisers '
Mr. HAMLIN. About fifteen hundred dollars.
Mr. SOULE. The amount proposed is discretion
is "not to exceed" five thousand dollars.

The amendment was rejected.

Mr. SOULE. I propose, then, that the blank shall be filled with the words "four thousand five hundred dollars."

This amendment was also rejected.

Mr. SOULE. Then I will propose "four thousand

The proposition to fill up the blank with "four thousand ollars" was also rejected.

Mr. SMITH. The expression, I perceive, is

fficers shall receive a sum "not exceeding"—

Mr. NORRIS. But they always do receive the maximum amount.

Mr. SOULE. I considered that discretion was lodged with the Secretary of the Treasury. I am not one of those who are usually inclined to the belief that discretion will be abused when vested with executive officers. But, since the sum appears to the Senate to be extravagant, I will propose that the blank be filled up with the words "three thousand five hundred," and if that is not acceptable, let some Senator reconcers expressible amounts.

Mr. DAVIS, of Massachusetts. I hope that that a will be adopted.

The question being taken on the motion to fill the blank with that sum, it was agreed to.

The bill was then reported to the Senate, and the amendments which had been adopted in Committee Whole were concurred in.

There being no further amendments proposed, the base of the blank with the senate of t

rdered to be engrossed for a third reading. COLLECTION DISTRICTS IN CALIFORNIA.

The Senate then proceeded to the consideration of the bill o create collection districts in California. SATURDAY, SEPTEMBER 21, 1850.

The bill to create collection districts in California, Mr. GWIN moved to recommit the bill, with instructions o strike out all that part making Benicia a port of entry, and to make it a port of delivery.

Mr. DICKINSON moved that the motion to re-commi

lie on the table, with a view to proceed to the consideration of the Civil and Diplomatic Appropriation Bill, which was agreed to. CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The Senate as in Committee of the Whole resumed the consideration of the special order of the day, being the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1851; the question pending being on the following amendment, offered by Mr. Underwood:

Mr. DICKINSON. I wish to remind my friends that this is the last week but one of the session, and that this is the last day of the week. A mere statement in regard to any thing is listened to and appreciated, whereas an extended argument is not. I therefore hope we will vote at once on every

ment is not. I therefore hope we will vote at once on every question that may be presented.

Mr. CLAY. Mr. President, if no opposition had been made to the amendment, I should not have said one word on the subject; and now I shall only occupy a very few minutes. The proposition is to appropriate \$20,000 in order to ascertain the practicability of a great scheme of river improvement, to be first spplied to the Ohio river. That improvement is to consist of the erection of reservoirs of water towards the head of the river, to be let out to supply the channel of the river during the dry season, when the water is very shallow. The principle is a very obvious one. If the water will pass over a fall of two feet per mile, than will pass over a fall of two feet per mile, than will pass over a fall of two feet per mile, than the to the calculation, he will approximate to the truth in his conclusion, and when that additional element is taken into consideration, it is precisely as I have stated it—that you will have nearly the same amount of actual elevation at the mouth of the river as you will at the place of supply.

Mr. DAVIS, of Massachusetts. There can be no doubt about the practicability of this scheme, provided there are the means of reserving the water. That is the question to be decided, and there is nothing at all new in a question of this kind. It has been very often brought to the test. I know within my own knowledge that in streams of much less importance and consideration than the Ohio river, the mill power has been more than doubled by reserving the water. The only question is, whether you can find upon the tributary streams of the Ohio places of sufficient magnitude where you may dam up and reserve the waters, distributing the place of supply.

The only question is to approximate to the calculation, he will approximate to the first into the calculation, he will approximate to the factual calculation, he will approximate to the calculation, he will approximate to the first into the calculation, he will appr plus which is thrown out unnecessarily, so as to afford a sup-ply at the deficient season of the year. The mode of effect-ing the object is by the erection of dams upon the head-waters of the river.

The practicability of the object has been ascertained by

scientific men, by the application of an unerring principle. It has been reviewed by scientific men. It has been examined thoroughly by a committee, well constituted, of intelligent members of this body, who have arrived at the conclusion

members of this body, who have that it is a humbug. It that it is practicable.

Mr. President, I know it is said that it is a humbug. It was said of Fulton's great attempt to apply the power of steam to the navigation of the waters of the earth, that it was a humbug. When it was attempted to apply the principle of the power of steam to railroads upon the surface of the earth, that was pronounced a humbug. When telegraphic commutate was pronounced a humbug. that was pronounced a humbug. When telegraphic commu-nication, which is now diffusing information with the rapidity of lightning throughout the whole continent, was discovered,

it was pronounced to be a humbug.

Mr. UNDERWOOD. To test the practicability of

Mr. UNDERWOOD. To test the practicability of it Congress appropriated \$30,000.

Mr. CLAY. And Congress appropriated \$30,000 for the purpose of ascertaining the practicability of communication by means of electricity, I am reminded by my colleague.

What is the object for which we ask the present appropriation? It is one in which eight States of this Union are directly interested, embracing four of the largest States of the Union: New York, Pennsylvania, Ohio, and Virginia. There are also four States near the mouth of the river that are also directly interested in this project.

There are also four States near the mouth of the river that are also directly interested in this project.

What is the sum proposed? I speak not of the commerce that floats on this vast interior channel, an account of which is given in the report of the committee. It is \$20,000 in order to make those surveys and examinations which are necessary to ascertain certainly the practicability and probable expense of the object. The engineer, who has made these calculations, assures us that a sum less than half a million of dollars will be sufficient to render the Ohio river navigable all the year, with an amount of water sufficient at least for the

dollars will be sufficient to render the Ohio river navigable all the year, with an amount of water sufficient at least for the secondary if not the primary class of steamboats.

Mr. President, we are daily appropriating money for objects far less important in their consequences, of far less interest to large portions of the Union than the proposed appropriation. For less than the cost of a custom house in New York or Boston, we may effect an object, for which I contend that if twenty millions were applied, and the object could be accomplished by the application of that amount of money, it would be a profitable, just, and national appropriation of money. Under these circumstances, I trust that this small amount—less than we appropriated the other day for the erection of a custom house at Bangor—for an object in which all the Western States are so deeply interested, will be sanctioned by the Senate, and that the experiment proposed will be allowed to proceed.

points out to us, by constructing reservoirs to supply a defi-ciency of water in the channel of the river at certain seasons

ciency of water in the channel of the river at certain seasons of the year. I hope that, under these circumstances, this appropriation will be sanctioned by the Senate. And, really, I entertain very sanguine hopes of the success of the project. Mr. BRIGHT. When this proposition was introduced, and the memorial of the individual who proposes to perform this service was presented to the Senate, it struck my mind as unfavorably as it could have struck that of any member of this body. I looked upon it very much in the same light as those gentlemen do who were pleased then as now to denounce as it a humbug. The Senate, however, entertained the memorial, and referred it to a select committee, upon which I was placed. After reading the very learned and scientific report of Mr. Ellet, hearing a history of the result of his experiments, with the reasons for his conclusions, I came to the conclusion expressed in the long report made by our chairman, the honorable Senator from Kentucky.

I believe it can be demonstrated that the plan proposed is practicable, and that it is neither an experiment nor one of the humbugs of the day. The advantages that would result

the humbugs of the day. The advantages that would result to commerce, should we succeed in throwing into the Ohio river a sufficient volume of water to ensure at least three feet in the channel at all seasons of the year, would be incalcula-ble, saying nothing of the immense advantages that would re-sult to trade and commerce on various other rivers of the United States, that at certain seasons of the year are not na-vigable for the want of water. It will cost but twenty thousand dollars, perhaps less, to make the necessary surveys and cal-culations. I am willing to give it. If at a subsequent session

Mr. SOULE. I move that the blanks in the second section be filled as follows:

"That the collector of the district of San Francisco shall be allowed an annual compensation not exceeding ten thousand dollars."

The amendment was agreed to.

Mr. SOULE. The next amendment I propose is—

"That the naval officer shall be allowed an annual compensation not exceeding eight thousand dollars."

The amendment was agreed to.

Mr. SOULE. The next amendment I have to propose is—

"That the surveyor shall be allowed an annual compensation not exceeding seven thousand dollars."

The amendment was agreed to.

Mr. SOULE. The next amendment I have to propose is—

"That the surveyor shall be allowed an annual compensation not exceeding seven thousand dollars."

The amendment was agreed to.

Mr. SOULE. The next amendment I have to propose is—

"That the surveyor shall be allowed an annual compensation not exceeding seven thousand dollars."

The amendment was agreed to.

Mr. SOULE. The next amendment I have to propose is—

"That the collector of the district of San Francisco shall it remains for Congress to say whether the national treasury shall aid in improving upon this principle. And, sir, I no not feel that I subject myself to the charge of inconsistency or extravegance in supporting this amendment. To order surveys, such that I subject myself to the charge of inconsistency or extravegance in supporting this amendment. To order surveys, such that I subject myself to the charge of inconsistency or extravegance in supporting this process to say whether the national treasury shall aid in improving upon this principle. And, sir, I no not feel that I subject myself to the charge of inconsistency or extravegance in supporting this amendment. To order surveys, shall aid in improving upon this principle. And, sir, I no not feel that I subject myself to the charge of inconsistency or extravegance in supporting this principle. And, sir, I no not feel that I subject myself to the charge of inconsistency or extravegance in supporting this

mmittee.
Mr. BENTON. Mr. President, I wish to ask one qu

Mr. BENTON. Mr. President, I wish to ask one question of the chairman of the committee, or of any member of the committee. That question is a short one. It is this: How many feet will be required at the junction of the rivers at Pittsburg to give one inch at the mouth of the Ohio river?

Mr. UNDERWOOD. I can perhaps give the gentleman some information on the subject. The evaporation will scarcely diminish a column of water started at Pittsburg, because you enlarge the surface very little by the addition of three or four feet in the altitude. Therefore, the diminution from evaporation which goes on through your channel of water, whether artificial or not, at the same ratio, will be hardly any thing at all. Now, if you give in three feet of altitude at Pittsburg, and keep up the supply continuously, it will give you an addition of three feet at the mouth of the river upon the plainest of all mathematical and physical principles. It is this: At Pittsburg and above, the angle of descent in the general plane of the country is at the rate of from one foot up to three feet per mile sayou advance towards the sources of the Alleghany. When you get below Pittsburg, it begins to diminish continually until you reach the falls of the Ohio at Louisville; and below the falls, and from that down to the mouth of the river, the descent is only at the rate of some four or five inches per mile. Now, the principle is, that, inasmuch as you diminish the plane, the water runs off with less velocity, and by the supply you in crease the altitude. In that way this effect will be produced descent.

Mr. BENTON. My question has not been as pointedly seen.

seent.

Mr. BENTON. My question has not been as pointedly answered as I wished, and I will, therefore, bring my own knowledge to bear upon the subject. I apprehend there are four ways in which the volume of water in the river may be diminished. One is by solar evaporation; another is by absorption in the sand with which the Ohio river is well supplied; the third way is by expansion, by the river becoming wider; and the fourth way is by the quantity of water taken out of it for use. The last, however, I will not dwell upon, nor upon any except the single one of expansion. That is a practical question of which every one can judge for himself, if he has two data to go upon—the breadth at Pittsburg and the breadth at the mouth. Now, without undertaking to say what the breadth actually is, I will assume it to be two hundred yards at Pittsburg, and a thousand yards at the mouth of the river; then it would take, without allowing a drop for evaporation, or absorption, or for use, five feet at Pittsburg to one foot at the mouth of the river when the head of any the second of the river was the head of t evaporation, or absorption, or for use, five feet at Pit to one foot at the mouth of the river under the head

pansion alone.

Mr. President, we have arrived at a time when we want to do business. This is an experiment which comes ver suddenly upon us, and I think we had better vote upon it

suddenly upon us, and I think we had better vote upon it, and postpone it to another time, and proceed to the consideration of other and more important business.

Mr. UNDERWOOD. The gentleman says that five feet rise at Pittsburg in a river two hundred yards wide will only give you one foot at the mouth of the river one thousand feet wide; that is to say, that if the mouth of the river is five times as wide as the supply at Pittsburg, graduating it according to that rule you get one foot rise at the mouth of the river. That is perfectly certain, based upon those principles and nothing more; but the error of the gentleman is, that he does not take into consideration all the elements which are necessary to arrive at a correct conclusion. If he will recollect that the fall at the mouth is but at the rate of about four inches to the mile, and the fall at Pittsburg at the rate of two feet per mile, and then make the estimate how much more water will pass over a fall of two feet per mile, than will pass over a fall of four inches per mile, and bring that into the calculation, he will approximate to the truth in his conclusion, and when that additional element is taken into consideration, it is precisely as I have stated it—that you will have nearly the same amount of actual elevation at the mouth of the river as you will at the place of supply.

Mr. DAVIS, of Massachusetts. There can be no doubt about the practicability of this scheme, provided there are the means of reserving the water. That is the question to be decided, and there is nothing at all new in a question of this kind. It has been very often brought to the test. I know within my own knowledge that in streams of much less importance and consideration than the Ohio river, the mill

whether that can be done, is the question to tested. You can unquestionably increase the volume of water in the river itself, and increase it to a greater or less extent

as you are able to make a greater or less number of these basins, and to give them greater or less depth. There can be no question about the practicability of the scheme, and there is really nothing new in it.

Mr. DICKINSON. I stated the other day that I was opposed to this matter without any examination. I think the discussion which has opened upon all the physical sciences put together, shows the impropriety of entering upon such a matter in the appropriation bill. I do not know how useful it may be, but I know that this \$20,000 would not purchase it may be, but I know that this \$20,000 would not purchase the ground for more than a single basin, and then when there comes a dry season and we call upon Professor Espey to rain it full, we shall want another appropriation. I hope the Senate will vote upon the amendment without further delay.

Mr. DAVIS, of Mississippi. The Senator from New York, like those who have gone before him, argues this as a pro-

like those who have gone before him, argues this as a pro-position to construct the reservoirs that are to supply the river with water. It is no such thing at all. It is only to make a survey. Gentlemen are not called upon now to decide upon the practicability of carrying out the scheme. It is only a proposition to get the information by which such a decision may be reached. It is not to build the dams, but to survey may be reached. It is not to build the dams, but to survey the country. It is not to buy the land to be covered with water, but to see what land may be covered with water. These are all preliminary questions. Gentlemen have gone into the physical sciences and remote consequences, without awaiting the information on which such a discussion might be raised. It is now for the Senate to determine whether they will have the surveys made or not. Hereafter the question will be whether we will make the works or not. I stated the other day that whenever it was proposed to draw upon the Treasury of the United States for money to construct such reservoirs I should oppose it, but that if it was found practicable, to such an extent as the commerce of the river would bear, I would be willing by law to impose such duty on the tonnage of the river as should make the improvement. Gentlemen have been led away from the question before us, and I merely wish to recall their attention to what it really is.

Mr. BENTON. We all understand this matter of surveys, or, if we do not, we might understand it from the little

veys, or, if we do not, we might understand it from the little fable we used to read, when we were children, of the man who went to the forest, and asked for a little piece of wood to make an axe-handle. His request was about to be granted, when an old tree, older than the rest, said: "If you give him wood to make an axe-handle, we shall all be cut down." So

wood to make an axe-handle, we shall all be cut down." So it is with these surveys—after the survey is made, money follows, as a matter of course, to do the work.

Mr. DAVIS, of Mississippi. This is an entirely different matter from making the improvement. Every Senstor present must know that the Government of the United States has repeatedly made surveys for railroads and other public works, without any intention to appropriate money for their construction. The topographical science is not very high in the country at large, and the instruments to make topographical surveys are almost entirely confined to the public service. It is for this reason that brigades of topographical engineers have been asked for repeatedly, and granted by the Federal Government, to make surveys for States, and even for private companies. This proposition is to make a survey, without any panies. This proposition is to make a survey, without any implication that the Government will afterwards appropriate

noney to construct the work.

The yeas and nays were then taken on the amenda

The yeas and nays were then taken on the amendment, and resulted as follows:

YEAS—Messrs. Baldwin, Bell, Berrien, Bright, Chase, Clarke, Clay, Clemens, Cooper, Davis, of Mass., Davis, of Mississippi, Dodge, of Wisconsin, Dodge, of Iowa, Dougla, Downs, Ewing, Felch, Foote, Fremont, Greene, Hale, Houston, Jones, Pearce, Sebastian, Seward, Smith, Soule, Spruance, Sturgeon, Underwood, Wales, and Winthrop—31.

NAYS—Messrs. Atchison, Badger, Barnwell, Benton, Butler, Dawson, Dayton, Dickinson, Gwin, Hunter, Mangum, Mason, Norris, Rusk, Walker, and Yulee—16.

So the amendment was adopted.

So the amendment was adopted.

Mr. DICKINSON. I desire to offer an amendment to the portion of the bill entitled "legislative;" and it is to strike out the proviso in regard to the mileage of Senators. The question is an old acquaintance to most of the Senators, and, as is remarked by a Senator behind me, it is one which is generally raised on a proposition which the House of Representatives insert, with a view of having the Senate strike it out again. To raise the question again. I move to strike out the

again. To raise the question again, I move to strike out the regain. It is the following:

"And provided further, That no such member of either branch of Congress residing east of the Rocky Mountains shall receive more than one thousand dollars mileage for each session; and no such member or delegate residing west of the Rocky Mountains shall receive more than two thousand dollars mileage for each session."

This would still retain the prohibition against constructive

This would still retain the prohibition against constructive

nileage unchanged.

Mr. CHASE. Believing the bill as it stands now to be